

Appn. No. 10/810,172
Reply to Office Action of Nov. 7, 2005

REMARKS

A Request for Continued Examination (RCE) under 37 CFR 1.114 is submitted herewith. Also submitted herewith is a Petition for Extension of Time Under 37 C.F.R. 1.136(a) for an extension of time of one (1) month, thereby extending the period for response from February 7, 2006 to March 7, 2006, whereby this response is considered to be timely filed. Reconsideration of this application is hereby respectfully requested.

In Applicant's amendment dated August 24, 2005, claims 1-11 were canceled and claims 12-19 were added. In the Office Action dated November 7, 2005, claims 12-19 were rejected under 35 U.S.C. 103(a). By this Amendment, claims 12-19 have been amended and claims 20-30 are newly added. No new matter has been added.

Claims 12-19 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rader (US 5,063,859) in view of Maley (US 3,822,493). More specifically, it is alleged that Rader discloses the railcar as claimed, but does not disclose the use of identifying means on the railcar. To overcome this deficiency of Rader, the Examiner further alleges that it is well known in the art that railcars will have signs on the exterior to show the destination of the railcar or a specific car name or number, and that it is well known in the art that railcars will also have identifying means on the interior to show passengers where certain sections of the railcar are, such as blocks of seat numbers, or to show the passengers where the exits are as well as what the next destination of the train is. The Examiner provides Maley as an example of a changeable sign used on a railcar to convey various pieces of information to the passengers. This rejection is hereinafter traversed, and reconsideration is respectfully requested for the following reasons.

First, the examiner's assertion that "it is well known in the art that rail cars will also have identifying means on the interior to show passengers where certain section of the railcar are, such as blocks of seat numbers" is unsupported by the art of record and appears to be an assertion of official notice (see MPEP 2144.03). Applicants hereby traverse the Examiner's assertion of official notice for the following reasons. The Examiner cites Maley as an example supporting the assertion that "it is well known in the art that rail cars will also have identifying means on the interior to show passengers where certain section of the railcar are, such as blocks of seat numbers"; however, Maley does not discuss the use of a sign to determine seat location. Instead, Maley teaches a sign to display the destination and/or route of a vehicle. Furthermore, the use of identifying means to show passengers where "blocks of seat numbers" are is not common knowledge because train seats are not typically reserved (i.e., they are typically "open seating"). Accordingly, Applicants respectfully request that the

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examiner provide documentary evidence in support of this allegation or withdraw the apparent assertion of official notice.

Second, neither Maley nor Rader, alone or in combination, teach or suggest a "first interior means" or "second interior means", as recited in Applicant's claims 12, 16, and 32. Instead, Maley describes a sign for use in displaying the destination and/or route of a train. Indeed, neither Maley nor Rader teach or suggest that any means be used for determining the location of a particular one seat. Accordingly, for at least this reason, Applicant's claims 12, 16, and 26, and claims 13-15, 17-25, and 27-30 that variably depend therefrom, are allowable over the combination of Maley and Rader.

Third, with regard to Applicant's new claims 20, 23, and 26, neither Maley nor Rader, alone or in combination, teach or suggest the use of Applicant's claimed means for enabling passengers to locate and gain access to particular seats in a railroad car that has its first story positioned *between* bogies. In the railroad car of Rader, the first story is positioned *atop* bogies, and not *between* bogies. Applicant's claimed means for enabling passengers to locate and gain access to particular seats within a railroad car is particularly useful for the type of railroad car having its first story positioned *between* bogies because the location of the bogies prevents passengers from traveling from one car to another on the first story of the train, resulting in a "dead-end" effect in the lower compartments and an increase in opposing flows of passengers as the result of the passengers entering the wrong cars. For at least this reason, Applicants claims 20, 23, and 26, and claims 21, 24, and 27-30 that depend therefrom, are allowable over the combination of Maley and Rader.

Finally, with regard to Applicant's new claims 22, 25, and 27, neither Maley nor Rader, alone or in combination, teach or suggest the use of a door between each compartment and its associated landing. For at least this reason, Applicants claims 22, 25, and 27 are allowable over the combination of Maley and Rader.

Applicant submits that claims 12-30 patentably define over the prior art of record and are allowable. Accordingly, the present application is in condition for allowance and early action toward that end is respectfully requested.

It is believed that the foregoing remarks are fully responsive to the Office Action. If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number listed below.

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The Examiner is hereby authorized to apply any credits or charge any deficiencies related to this Amendment and associated RCE and one-month extension of time to Deposit Account No. 03-2578.

Respectfully submitted,

 2/8/2006

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